

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and that: a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR-16 zone to all HO zones, for the reasons given in the attached statement; and (2) that the Board of Commissioners of Baltimore County be authorized to take such action as may be required.

Property is to be posted and advertised as prescribed by The Baltimore County Code

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: _____ Legal Owner(s): _____

(Type or Print Name) _____

Signature _____

Street or Box _____

City and State _____

Attorney for Petitioner: _____

Robert J. Romadka/John Gonturm _____

(Type or Print Name) _____

Signature _____

809 Eastern Blvd. _____

Street or Box _____

Baltimore, Maryland 21221 _____

City and State _____

Attorney's Telephone No.: 686.8274 _____

Legal Owner(s): _____

WARREN A. BRILL _____

(Type or Print Name) _____

Signature: _____

ROBERT S. MARTIN _____

(Type or Print Name) _____

Signature: _____

HARRY SOLOMON _____

1001 North Point Boulevard _____

Street or Box _____

Baltimore, Maryland 21224 _____

City and State _____

Name and telephone number of legal owner, contract purchaser or representative to be contacted: _____

Robert J. Romadka _____

Name _____

686 8274 _____

Telephone No. _____

NARC - Exam 1

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
 from D.R. 16 to R-0 Zone :
 NE corner North Point Rd. and : OF BALTIMORE COUNTY
 Braddock Ave., 15th District :
 :
 WARREN A. BRILL, et al, :
 Petitioners : Case No. 82-61-R (Item 1, Cycle 1)

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 6th day of August, 1982, a copy of the foregoing

Order was mailed to Robert J. Romadka, Esquire and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorneys for Petitioners.

John W. Hessian, III

Warren A. Brill, et al
Case No. R-82-61 - R-82-62

The subject site meets exactly the criteria designed in Bill 13-80 for the establishment of the R.O. zoning. It follows precisely the purpose of R.O. zoning as established in Sections A, B, and C of the Bill. It also complies completely with Sec. 203.2 of the Baltimore County Zoning Regulations. There is, however, no testimony before this Board that the County Council was aware that the property was purchased by three doctors who then sought the R.O. classification. While the petition before this Board is on an "open plan", the Board cannot help but note that Section 101, definition of a Class B office building, specifically states, "its devoted primarily to office use, clinic or group medical center use (including the practice of Dentistry) . . . " (emphasis added) and that the petitioners are all doctors. This site is on the corner of a major artery serving a large business area and would not actually intrude into the remaining eight residences. With the requirements necessary to use the R.O. classification for either a Class A or Class B office building, the Board can find no further detrimental effect to this neighborhood, but would agree with Mr. Klaus that it should increase the value of the remaining residences. For all these reasons, the Board will grant the requested reclassification from D.R. 16 to R.O. and will so order.

O R D E R

For the reasons stated in the foregoing Opinion, it is this 9th day of June, 1982, by the County Board of Appeals, ORDERED that the reclassification from D. R. 16 to R.O. on the property located on the northeast corner of North Point Road and Bradbrock Avenue as requested under case #R-82-62 BE GRANTED and that the B.L. reclassification on the same property under case #R-82-61 BE DENIED.

Warren A. Brill, et al
Case No. R-82-61 - R-82-62

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hockett
William T. Hockett, Chairman

Patricia Phipps

Leroy R. Spurr

RECLASSIFICATION PETITION * BEFORE THE
 FROM DR-16 to RO *
 OF * BOARD OF APPEALS
 WAPREN B. BRILL *
 ROBERT S. MARTIN * OF BALTIMORE COUNTY
 HAPVEY SOLOMON *****

MEMORANDUM OF REASONS FOR RE-CLASSIFICATION

The subject property is located in the Sixth Councilmanic District on the north-east corner of Braddock Avenue and North Point Road. The improvements on the property, a single family frame dwelling, is known as 7701 Braddock Avenue. The current zoning classification is DR-16, but this classification is wholly inappropriate to the size of the property and to the surrounding uses and manifests gross error.

The tract for which reclassification is sought is comprised of three lots with a total area of 14,400 square feet. The small size of the lot is not compatible with zoning and building regulations covering multi-family dwelling units. A DR-16 zone has a maximum gross residential density of sixteen dwelling units per acre. The minimum number of offstreet parking spaces per dwelling unit is 1.53 spaces per unit. At least fifteen percent (15%) of the gross site area must be used for local open space tracts. B.C.2.R. 1B02.2A (Bill No. 100, 1970) „ high density residential use of this small tract is simply not feasible. The current zoning, therefore, is not appropriate.

The population trend in the immediate area is downward. In the last ten years much of the surrounding area has been developed for business and professional offices. Immediately adjacent to the property is the Eastpoint Office Park, a sizeable complex of business and professional offices. It is zoned BL in a CSA district. Across North Point Road is a current RO zone. A few hundred yards further down North Point Road is a fire station. Within a hundred yards from the subject property across

ROBERT J. ROMADKA
ATTORNEY AT LAW
ESSEX, MARYLAND

Warren A. Brill, et al
Case No. R-82-61 - R-82-62

Under the D.R. 16 zoning on this .33 acres, not enough units could be erected to make the project feasible. He testified, however, under the R.O. classification the present dwelling could be converted to office use or with a Special Exception a new Class "B" office could be erected. He further testified that the present building could not be converted to multiple family use, since it could not meet the fire code for such conversion. Mr. Frederick Klaus, a Real Estate expert, testified that the requested R.O. zoning would not be detrimental to the remaining eight (8) homes, but would in fact be a step toward increasing their value. He also noted that this property was an issue on the 1980 Comprehensive Map Process along with the other eight parcels, and that the Planning Board and the Planning Staff recommended R.O. for the entire 2.2 acres, but the Council retained the D.R. 16 classification. Dr. Warren A. Brill, Petitioner, testified that he and two other doctors purchased this parcel with the hope they could use the property to preferably erect a Class B office building for their sole use only, no office area to be leased out or rented. All three doctors are now renting individual office space in the general neighborhood and would like this consolidation to be permitted. This generally concluded Petitioners' case.

Mr. James Haswell, Planner for Baltimore County, testified in opposition to granting the requested R.O. zoning. He noted that his department did in fact recommend R.O. zoning for this site but only comprehensively with the entire 2.2 acres included. He opposed this "piece meal" approach to this parcel. He noted that there are still viable uses for this parcel under D.R. 16 and that there is already ample B.L. zoning available in this area. For these reasons, he opposed granting R.O. at this time and thought the matter better handled comprehensively during the next mapping process.

The Board agrees with Mr. Hoswell very much in principle. The Board however feels that the Council erred in retaining D.R. 16 on this parcel for the following reasons.

Braddock Avenue is a BL-CSA zone district containing numerous professional offices and businesses which front on North Point Boulevard. Indeed, the immediate area encompassing the subject tract is used as a service commercial area for a developing town-center commercial core. Eastpoint Shopping Center is within a few hundred yards of this property. The existing DR-16 zoning on this particular tract accomplishes none of the purposes envisioned by a CSA district and adds nothing to the development of the community.

The community would be much better served if the zoning on this property was reclassified to RO. The impetus of change over the last few years has been toward a commercial service area. The surrounding locale is now used to serve the community by business and professional offices. It serves as a hub for the southeastern portion of the community. To hold this single tract out from an area now actively serving the general community not only thwarts the development trend in the neighborhood but also is antithetical to planned development.

Local transportation, utility service, and other public facilities, of course, are more than adequate to serve the proposed RO use. North Point Road is able to provide ample access to the site. It intersects with Merritt Boulevard barely a thousand feet to the east of the property. About a half-mile to the west North Point Road intersects with Eastern Boulevard. Based on available access, therefore, use of the property as zoned RO is ideal.

Public water and sewerage are available to the site. The drain on these and other public facilities, however, would be less if the property were to be used for business purposes than for intensive residential use.

ROBERT J. RUMADY
ATTORNEY AT LAW
EAST MATINEE

On January 21, 1980, Baltimore County Council enacted Bill No. 13-80 which first created R0 zones. The Bill added a new section 203 to the Baltimore County Zoning Regulations. This section states the purpose of R0 zoning as follows:

- "A. That residential use of certain sites may not be economically feasible in some predominantly moderate-density residential areas that are within or near town centers, are near C.C.C. districts or lie along commercial motorways;
- B. That neither business zoning nor high-density residential zoning of those sites is appropriate; and
- C. That, with appropriate restrictions, houses converted to offices and, in some cases, small Class B office buildings and similar buildings are suitable, economically feasible uses of such sites.

203.2 - Statement of Legislative Policy. This R-0 zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones..."

Although Council Bill No. 167-80 subsequently amended large portions of the legislation contained in Bill No. 13-80, the rationale for the creation of R0 zoning remained unchanged.

The subject property for which reclassification is herein sought meets exactly the criteria designed to be met by R0 zoning. The subject property is part of a large 2.2 acre DR 16 tract. Essentially, however, it is surrounded by a commercial center core and auxiliary commercial service areas. Given the nature of the surrounding area and the size of this tract high density residential zoning is certainly not appropriate. The site could be used most adequately for a small office building containing physicians' offices, etc. In this proposed use it would most closely conform to the character of the community and serve a real community need.

ROBERT J. ROMADKA
ATTORNEY AT LAW
ESSEX, MARYLAND

-3-

The limitations contained in the R0 zone would clearly confine the use of the property to those most compatible with nearby single family dwellings. The R0 zoning would permit an inobtrusive yet practical use of the property completely compatible with the R0 zoning now in existence across North Point Road.

During the 1980 Comprehensive Zoning Map review the staff of the Office of Planning and Zoning proposed a change from the current DR 16 classification to R0 zone. This proposal was dropped and was adopted by the Planning Board. Issue 6-45 originated with the planning staff and pertained not only to the subject tract but also to the entire DR-16 zone. Clearly, it was the view of the planning professionals of the county that the community would be better served by a business use for this property. The proposals of the Planning Board and the rationale behind the proposals were not adopted by the Council despite a lack of opposition, and this constitutes error.

For these reasons and such other and further reasons as will be presented at a hearing on the proposed re-classification we respectfully petition that the reclassification of the zoning on this site be changed from DR-16 to R0.

Robert J. Romadka

John B. Contrum
809 Eastern Boulevard
Baltimore, MD 21221
686 8274

ROBERT J. ROMADKA
ATTORNEY AT LAW
ESSEX, MARYLAND

-4-

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 23, 1981

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Robert J. Romadka and
John B. Contrum, Esquires
809 Eastern Blvd.
Baltimore, Maryland 21221

RE: Item No. 1 Cycle No. 1
Petitioner - Warren A. Brill, et al
Reclassification Petition

Gentlemen:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the 1st 1980-81 zoning cycle.

The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee.

The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before May 29th. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

The subject property, currently zoned D.R.16 and proposed to be rezoned to R-0, is located on northeast corner of North Point Road and Braddock Avenue in the 15th Election District and is improved with a dwelling and storage shed. Adjacent properties to the north along Braddock Avenue are similarly zoned and are improved with individual dwellings, while land zoned B.L. and improved with offices exists immediately to the east. To the south across North Point Road is land zoned R-0 which is improved with a medical center.

This particular petition represents one of two requests for this

Item No. 1 Cycle No. 1
Warren A. Brill, et al
Reclassification Petition

property. The other request is to rezone this site from a D.R.16 to a B.L. zone and is listed as Item No. 2 in this cycle.

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between September and December of 1981, will be forwarded to you in the future.

Very truly yours,

Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

NEB:bsc

Enclosures

cc: Mr. Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237



HARRY J. PISTEL, P.E.
DIRECTOR

March 31, 1981

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Court House
Towson, Maryland 21204

Re: Item #1 (Cycle I - April-Oct. 1981)
Property Owner: Warren A. Brill & Robert S. Martin
1/2 corner North Point Rd. & Braddock Ave.
Existing Zoning: D.R. 16
Proposed Zoning: R-0
Acres: 120 x 120.38 District: 15th

Dear Mr. Reiter:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

As indicated, this property comprises Lots 2A, 4A and 6A Plat of "Braddock Heights", recorded C.W.B., Jr. 12, Folio 43.

Highways:

North Point Road (Md. 20) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Braddock Avenue, an existing public road, is proposed to be improved as a 30-foot closed section roadway on the present 50-foot right-of-way, with a standard-type roadway termination at the end thereof. A fillet area or sight distance will be required at the intersection with North Point Road.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #1 (Cycle I - April-Oct. 1981)
Property Owner: Warren A. Brill & Robert S. Martin
Page 2
March 31, 1981

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

There is a drainage structure, drainage pipe and swale on this property, which have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There are public 6 and 12-inch water mains in Braddock Avenue and North Point Road, respectively; and, there is public 8-inch sanitary sewerage in each of these roads.

Very truly yours,

Robert A. Morton, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley

B-NW Key Sheet
3 SE 21 Pos. Sheet
SE 1 & Topo
96 Tax Map



James I. O'Donnell
Secretary
M. S. Caltrider
Administrator

March 23, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Cycle I - 1981
Meeting of 3-16-81
ITEM: #1
Property Owner: Warren A. Brill & Robert S. Martin
Location: N/E Corner North Point Road (Route 20) & Braddock Ave.
Existing Zoning: D.R. 16
Proposed Zoning: R-0
Acres: 120 x 120.38
District: 15th

Dear Mr. Reiter:

On review of the plan of February 28, 1981 and field inspection, any direct access from North Point Road (Route 20) would involve improvements to the highway frontage with widening, paving, curbing and sidewalks.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

George Wittman
By: George Wittman

RECEIVED
BALTIMORE COUNTY
MAY 25 10 48 AM '81
COUNTY BOARD
OF APPEALS
BY:

My telephone number is (301) 659-1330

P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21202

April 14, 1981

Mr. Walter A. Reiter, Jr., Chairman
Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #1, Zoning Cycle I, April, 1981, are as follows:

Property Owner: Warren A. Brill & Robert S. Martin
Location: NE corner North Point Road and Braddock Avenue
Existing Zoning: D.R. 16
Proposed Zoning: R-O
Acres: 120 x 120.38
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The subject property is in a traffic level-of-service area controlled by a "D" intersection.

If the property is reclassified to R-O, the owner would have to comply with Section 203 of the Zoning Regulations. Section 203.5 requires that a development plan be approved by the Baltimore County Planning Board before any development, or use, may be changed.

Very truly yours,

John L. Wimbley

John L. Wimbley
Planner III
Current Planning and Development

March 30, 1981

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Office of Law
Court House
Towson, Maryland 21204

Item No. 1 - ZAC - Meeting of March 16, 1981
Property Owner: Warren A. Brill & Robert S. Martin
Location: N/E Corner North Point Road & Braddock Avenue
Existing Zoning: D. R. 16
Proposed Zoning: R-0
Acres: 120 x 120 38
District: 15th

Dear Mr. Reiter:

The proposed zoning change from R 16 to R0 is not expected to generate a major increase in traffic.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

MSF/bza

April 6, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Cycle I, #1, Zoning Advisory Committee Meeting of March 16, 1981, are as follows:

Property Owner: Warren A. Brill & Robert S. Martin
Location: NE/Corner North Point Road & Braddock Avenue
Existing Zoning: D.R. 16
Proposed Zoning: R-0
Acres: 120 x 120.38
District: 15th

Metropolitan water and sewer exist.

The zoning plan as submitted, does not contain sufficient information; therefore the Baltimore County Department of Health cannot make complete comments.

Very truly yours,

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/als

March 19, 1981

Mr. William Hammond cc: Walter Reiter
Zoning Commissioner Chairman of Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Warren A. Brill & Robert S. Martin

Location: NE/Corner North Point Road & Braddock Avenue

Item No.: 1 Zoning Agenda Meeting of March 16, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVISED: *Paul H. Reincke* Noted and Approved: *George M. McGowan*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Walter Reiter
Board of Appeals Chairman Date: March 27, 1981
FROM: Mr. Charles E. Burnham
Plans Review Chief - Permits and Licenses
SUBJECT: Cycle I - 1981
RE Cycle Zoning March 24, 1981

PROPERTY OWNER: Warren A. Brill and Robert S. Martin
LOCATION: N/E Corner North Point Road and Braddock Avenue
EXISTING ZONING: D.R. 16
PROPOSED ZONING: R-0
ACRES: 120 x 120.38
DISTRICT: 15th

ITEM NO. 1

Existing structures do require a change of occupancy permit when a change in use of the structure is proposed. (Section 105.2). Additionally the building is also required to be brought in to Code compliance with the requirements for the new use.

Compliance to the State Handicap Code is required and in some instances compliance to the Energy requirement of the B.O.C.A. Code, Article 20 may be required.

Permits are required to do any alterations, additions or other work other than maintenance.

The proposed new use would be "B" Business as defined in Section 204.0 B.O.C.A. Code, 1978 Edition.

NOTE: All comments are based on data provided on site plan and data provided by the Zoning Advisory Committee. Comments in many cases cannot be more specific or advisory due to the limited information.

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rrj

CC: Nick Commodari

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent
Towson, Maryland - 21204
Date: March 23, 1981

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Cycle #1 March 16, 1981

RE: Item No: 1 and 2
Property Owner: Warren A. Brill & Robert S. Martin
Location: NE corner North Point Rd. & Braddock Ave.
Present Zoning: D.R. 16
Proposed Zoning: R-0

School Situation

School	Enrollment	Capacity	Over/Under
--------	------------	----------	------------

Comment: Acreage too small to have an effect on student population.

Student Yield With:	Existing Zoning	And	Proposed Zoning
Elementary			
Junior High			
Senior High			

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

KNP/bp

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
(CIRCUIT FEDERAL BUILDING)
ESSEX, MARYLAND 21221
ASSOCIATES
CHARLES E. FOOS, III
JOHN B. GONTNUM
ALFRED M. WALFERT

August 26, 1981

686-8274

Mr. Robert Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Re: Case Number R-82-61, Item #1
Case Number R-82-62, Item #2
Warren A. Brill, et al

Dear Chairman Hackett:

Please be advised that we are in receipt of your letter of the 18th instant, and have discussed same with our clients. It is their decision to postpone the above referenced cases until such time if there is a definitive ruling by the courts on the question of the validity of the 1980 maps.

We wish to thank you very much for your cooperation and consideration in this matter. If there is any further documentation which the Board requires with respect to these cases, please let me know.

Very truly yours,

John B. Gontnum
John B. Gontnum

JBG/lrr

RECEIVED
BALTIMORE COUNTY
AUG 31 8 42 AM '81
COUNTY BOARD
OF APPEALS
BY: _____

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 31, 1981

John B. Gontnum, Esquire
809 Eastern Boulevard
Baltimore, Md. 21221

Re: Case Number R-82-61, Item #1
Case Number R-82-62, Item #2
Warren A. Brill, et al

Dear Mr. Gontnum:

Your request for postponement of this case will be granted by the County Board of Appeals. However, since the applicable provisions of the Charter require that the case and the assigned hearing date be advertised, both in the newspaper and by posting, it will be necessary that we continue with this procedure. Further, to make certain that all requirements are met, it will be necessary that on the morning of the day upon which the case is assigned, the record be opened and the fact of the postponement and the grounds therefore be read into the record, and the postponement be formally granted.

Accordingly, it is requested that you, or someone representing you, appear on the morning of the scheduled date so that we can complete this formality, which is necessary for the Petitioner's protection. You need not, of course, be accompanied by either parties or witnesses for this purpose. In addition to making certain that all legal requirements with regard to the scheduling, advertising, notification, and opening the record of the case are met, this procedure will also give the Board the opportunity to explain the facts concerning the postponement and the reasons therefore to any interested parties who appear on the scheduled day pursuant to the advertisement.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH:e

cc: Warren A. Brill, et al
John W. Heslan, III, Esq.
Mr. J. E. Dyer

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
March 10, 1982

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Md. 21221

Re: Case No. R-82-62 and
Case No. R-82-61
Warren A. Brill, et al

Dear Mr. Romadka:

On August 18, 1981, we notified you that there were pending in the Circuit Court three cases that could possibly have serious impact on the petition for rezoning in the above entitled case which was pending before the Board of Appeals.

At that time it appeared that we could get a final judgment on these three cases in a matter of months. Since then the request for settlement of these cases by Summary Judgment has been denied, and there appears to be no movement toward a full trial or any final judgment.

In view of these developments, the Board wishes to advise you that we will entertain your request for rescheduling of this case if you so desire.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH:ce

cc: John B. Gontrum, Esquire
Warren A. Brill, et al

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

August 7, 1981

NOTICE OF HEARING

RE: Petition for Re-classification
NE/cor. of North Point Rd. & Braddock Ave.
Warren A. Brill - Petitioner
Item No. 1 - Cycle 1
Case #R-82-61

TIME: 10:00 A. M.

DATE: Wednesday, September 2, 1981

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

9/2/81 - Continued in open hearing per W.T.H.

3/17/82 - Continued hearing scheduled for THURSDAY, MAY 13, 1982 at 10 a.m.

PETITION FOR RE-CLASSIFICATION

15th DISTRICT

ZONING: Petition for Re-classification
LOCATION: Northeast corner of North Point Road and Braddock Avenue
DATE & TIME: Wednesday, September 2, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland
The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:
Present Zoning: D.R.16
Proposed Zoning: R.O.

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Warren A. Brill, et al, as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, September 2, 1981 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

FRANK S. LEE

Registered Land Surveyor

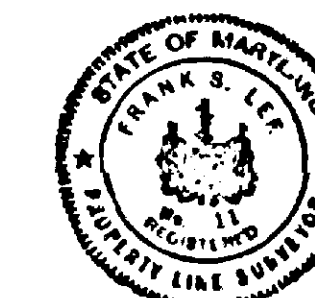
1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

February 28, 1981

Northeast corner of North Point Road and Braddock Avenue
15th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the north side of North Point Road with the east side of Braddock Avenue, thence running and binding on the east side of Braddock Avenue North 33 degrees 45 minutes East 120.38 feet, thence leaving Braddock Avenue for two lines of division as follows: South 60 degrees 45 minutes East 120 feet and South 33 degrees 45 minutes West 120.38 feet to the north side of North Point Road, thence running and binding on the north side of North Point Road North 60 degrees 45 minutes West 120 feet to the place of beginning.

Being known and designated as lots 2A, 4A and 6A on the plat of Braddock Heights and recorded in Plat Book 12/43.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

August 26, 1981

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Re-classification
NE/cor. of North Point Rd. & Braddock Avenue
Warren A. Brill, et al - Petitioners
Case #R-82-62 Item 2 - Cycle 1

Dear Mr. Romadka:

This is to advise you that \$49.00 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 30, 1981

Robert J. Romadka and
John B. Gontrum, Esquire
809 Eastern Blvd.
Baltimore, Maryland 21221

RE: Item No. 1 - Cycle 1
Petitioner - Warren A. Brill, et al
Reclassification Petition

Gentlemen:

This is to advise you that \$77.15 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:mch

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 5, 1981

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Re-classification
NE/cor. of North Point Rd. & Braddock Ave.
Case #R-82-62 Item #2
Warren A. Brill, et al - Petitioners

Dear Mr. Romadka:

This is to advise that \$51.31 is due for the 2nd full page add of the cycle 1 billing. You have already been billed for the 1st full page add as well as for the individual posting and advertising of this property. All bills must be paid before an order is issued. This is your final bill.

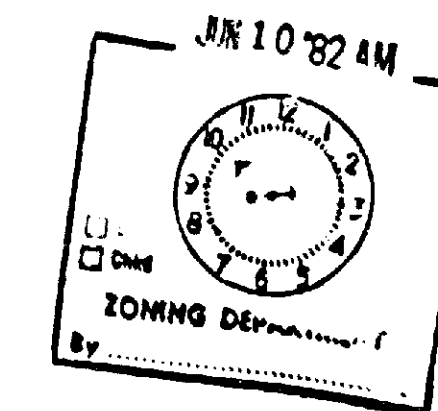
Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as soon as possible.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:klr

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
June 9, 1982



Robert J. Romadka, Esq.
John B. Gontrum, Esq.
809 Eastern Blvd.
Baltimore, Md. 21221

Re: Case No. R-82-61 and 62
Warren A. Brill, et al

Gentlemen:
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.
cc: Warren A. Brill, et al
W. E. Hammond
J. E. Dyer
N. E. Gerber
J. Hoswell
Board of Education
J. W. Hession, Esq.

